

38MINUTES OF  
COMMISSION CONFERENCE, TUESDAY, MARCH 6, 2001  
COMMENCED: 9:30 a.m.  
ADJOURNED: 2:05 p.m.

COMMISSIONERS PRESENT: Chairman Jacobs  
Commissioner Deason  
Commissioner Jaber  
Commissioner Baez  
Commissioner Palecki

Parties were allowed to address the Commission on items designated by double asterisks (\*\*).

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1 Approval of Minutes  
December 19, 2000 Regular Commission Conference.  
January 2, 2001 Regular Commission Conference.  
January 16, 2001 Regular Commission Conference.

DECISION: The minutes were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

2\*\* Consent Agenda

PAA A) Applications for certificates to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010183-TC	Herve Salnave
010184-TC	Joseph D Cain d/b/a J & C Communications
010233-TC	Jon Adams
010238-TC	Charles B. Little d/b/a C & J Enterprises

PAA B) Applications for certificates to provide alternative local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001761-TX	NxGen Networks, Inc.
001799-TX	Quality Telephone Inc.
010094-TX	eVoice Telecom, Inc.
001786-TX	Metstream Communications, Inc.

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<u>ITEM NO.</u>	<u>CASE</u>												
2**	Consent Agenda  (Continued from previous page)												
	<table border="1"> <thead> <tr> <th style="text-align: left;"><u>DOCKET NO.</u></th> <th style="text-align: center;"><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>010037-TX</td> <td>CTC Communications Corp.</td> </tr> <tr> <td>010053-TX</td> <td>Zephion Networks Communications, Inc.</td> </tr> <tr> <td>001742-TX</td> <td>Telseon Carrier Services, Inc.</td> </tr> <tr> <td>010048-TX</td> <td>Business Communications, Inc.</td> </tr> <tr> <td>010092-TX</td> <td>C.B. Telecomm, Inc.</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	010037-TX	CTC Communications Corp.	010053-TX	Zephion Networks Communications, Inc.	001742-TX	Telseon Carrier Services, Inc.	010048-TX	Business Communications, Inc.	010092-TX	C.B. Telecomm, Inc.
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010037-TX	CTC Communications Corp.												
010053-TX	Zephion Networks Communications, Inc.												
001742-TX	Telseon Carrier Services, Inc.												
010048-TX	Business Communications, Inc.												
010092-TX	C.B. Telecomm, Inc.												
PAA	C) Applications for certificates to provide alternative access vendor service.												
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PAA	D) Request for cancellation of alternative local exchange telecommunications certificate.												
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PAA	E) Applications for certificates to provide interexchange telecommunications service.												
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>												
001765-TI	NxGen Networks, Inc.												
001781-TI	Debit One Communications, Inc.												
010095-TI	eVoice Telecom, Inc.												
001787-TI	Metstream Communications, Inc.												
010023-TI	Zephion Networks Communications, Inc.												

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PAA	F) Requests for exemption from Rule 25-24.515(13), F.A.C., which requires all pay telephone stations to allow incoming calls.	
	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
	010167-TC	Sprint-Florida, Incorporated
		850-681-7548 6 Parc Apartments 631 E. Call Street Tallahassee
		407-574-9199 407-574-9232 407-574-9357 407-574-9368 407-574-9641 Providence Plaza Shopping Center 1235 Providence Blvd. Deltona
	010187-TC	BellSouth Public Communications, Inc.
		407-425-8896 Unique Electronics, Inc. 1320 26th Street Orlando
		352-376-9302 Oak Ridge Apartments 1120 NW 45th Avenue Gainesville
		954-983-9608 954-983-9432 Town of Pembroke Park 3150 SW 52nd Avenue Pembroke Park

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
010223-TC	BellSouth Public Communications, Inc.	850-863-0931 850-863-0968 850-863-0917 Tom Thumb Store #61 609 James Lee Road Fort Walton Beach  954-921-9598 Colonial Motel 700 S. Federal Hwy. Hollywood  954-721-9920 954-721-9947 954-721-9749 954-721-9954 Sunflower Shopping Center 8104-8198 N. University Drive Tamarac  407-855-9792 407-851-9919 407-438-0948 407-438-1158 407-438-2156 407-856-8136 407-438-3055 Orange Blossom Shopping Center Hwy. 441 & Holden Ave. Orlando

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
010239-TC	Telaleasing Enterprises, Inc.	727-328-4176 Friendly Convenience 3710 Central Ave. St. Petersburg
010240-TC	Telaleasing Enterprises, Inc.	727-328-4177 Friendly Convenience 3710 Central Ave. St. Petersburg
010249-TC	BellSouth Public Communications, Inc.	904-254-0597 904-253-3069 904-254-0569 Reality House-ACT Corp. 1341 Indian Lake Rd. Daytona Beach  954-946-9916 954-946-9932 954-946-9668 954-946-9923 Rite Way Food Market 13 SE 11th Ave. Pompano Beach

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G) Requests for approval of resale agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010016-TP	AmeriMex Communications Corp.; BellSouth Telecommunications, Inc.	04/02/01
010046-TP	Preferred Carrier Services, Inc. d/b/a Telefonos Para Todos and d/b/a Phones For ALL; Verizon Florida Inc.	04/11/01
010114-TP	BellSouth Telecommunications, Inc.; Budget Phone, Inc.	04/26/01
010147-TP	AmTel Communications, Inc.; BellSouth Telecommunications, Inc.	05/01/01

H) Request for approval of amendment to resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010106-TP	Alternative Telecommunication Services, Inc. d/b/a Second Chance Phone; BellSouth Telecommunications, Inc.	04/25/01

I) Request for approval of pre-paid resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010072-TP	ALLTEL Florida, Inc.; Local Line America, Inc.	04/18/01

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J) Request for approval of amendment to adopted terms of interconnection, unbundling, and resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010160-TP	BellSouth Telecommunications, Inc.; DSLnet Communications, LLC	05/02/01

K) Request for approval of first amendment to adopted terms of interconnection, unbundling, and resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010146-TP	The Ultimate Connection, L.C. d/b/a TAPCO. The Alternative Phone Company; Verizon Florida Inc.	05/01/01

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L) Requests for approval of amendments to interconnection,  
unbundling, and resale agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010115-TP	BellSouth Telecommunications, Inc.; Pathnet, Inc. d/b/a Pathnet Communications, Inc.	04/26/01
010148-TP	BellSouth Telecommunications, Inc.; IDS Long Distance, Inc.	05/01/01
010157-TP	BellSouth Telecommunications, Inc.; IDS Telecom, LLC.	05/02/01



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010159-TP	BellSouth Telecommunications, Inc.; Pathnet, Inc. d/b/a Pathnet Communications, Inc.	05/02/01
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M) Request for approval of interconnection and unbundling agreement.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
010084-TP	BellSouth Telecommunications, Inc.; Sprint Communications Company Limited Partnership	04/22/01

N) Requests for approval of interconnection, unbundling, resale and collocation agreements.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
010071-TP	@link Networks, Inc.; BellSouth Telecommunications, Inc.	04/18/01
010073-TP	ReFlex Communications, Inc.; Verizon Florida Inc.	04/19/01
010074-TP	Phone-Link, Inc.; Verizon Florida Inc.	04/19/01
010075-TP	BellSouth Telecommunications, Inc.; Suntel Metro, Inc.	04/19/01
010076-TP	BellSouth Telecommunications, Inc.; NorthPoint Communications, Inc.	04/19/01
010078-TP	BellSouth Telecommunications, Inc.; ReFlex Communications, Inc.	04/22/01

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010143-TP	Verizon Florida Inc.; Suntel Metro, Inc.	05/01/01
010144-TP	Verizon Florida Inc.; Florida Consolidated Multi-Media Services, Inc.	05/01/01
010145-TP	Verizon Florida Inc.; Southern Telcom Network, Inc.	05/01/01

O) Request for approval of amendment to collocation agreement.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
010158-TP	BellSouth Telecommunications, Inc.; Pathnet, Inc. d/b/a Pathnet Communications, Inc.	05/02/01

P) Docket No. 010110-EI - Application of Gulf Power Company (GPC) pursuant to Chapter 25-8, Florida Administrative Code, and Section 366.04, Florida Statutes, for authority to receive equity funds from Southern Company (GPC's parent company); to issue and sell long-term debt and equity securities; and to issue and sell short-term debt securities during the twelve months ending March 31, 2002. The maximum amount of common equity contributions received from Southern, the maximum amount of equity securities issued and the maximum principal amount of long-term debt securities issued will not total more than \$300 million. The maximum principal amount of short-term debt, at any one time, will not total more than \$190 million.

Recommendation: The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket No. 010110-EI, which must remain open for monitoring purposes.

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DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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3\*\*PAA

DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Kennedy  
LEG: Vaccaro  
RGO: Vandiver

Issue 1: Should the Commission accept the true-up amount proposed by MCI WORLDCOM Communications, Inc. whereby it will issue a one-time refund to former MCI Telecommunication Inc.'s customers using its 1-800 services of \$216,358.43, plus interest, plus an additional amount necessary to bring the total refund to \$432,716.86?

Recommendation: Yes. Staff recommends that the Commission should accept the true-up amount proposed by MCI WORLDCOM Communications, Inc. whereby it will issue a one-time refund to former MCI Telecommunication Inc.'s customers using its 1-800 services of \$216,358.43, plus interest, plus an additional amount necessary to bring the total refund to \$432,716.86. All reporting requirements and reporting schedules should remain the same as provided in Order No. PSC-00-2139-PAA-TI, dated November 8, 2000.

Issue 2: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. This docket should remain open pending the completion of the requirements of Order No. PSC-00-2139-PAA-TI.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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3\*\*PAA

DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S.

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4\*\*PAA

DOCKET NO. 010030-TP - Petition by Verizon Florida Inc. and Verizon Select Services Inc. for limited waiver of Rule 25-4.118, F.A.C.

Critical Date(s): 4/23/01 (statutory deadline)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Kennedy  
LEG: Vaccaro  
RGO: Gilchrist

Issue 1: Should the Commission grant the specific portion of Verizon Florida Inc.'s and Verizon Select Services Inc.'s joint petition for a limited waiver of Rule 25-4.118, Florida Administrative Code, regarding the transfer of customers' basic local service from Verizon Select Services Inc. to Verizon Florida Inc. for those customers located within Verizon Florida Inc.'s franchise area?

Recommendation: Yes. Staff recommends that the Commission should grant the specific portion of Verizon Florida Inc.'s and Verizon Select Services Inc.'s joint petition for a limited waiver of Rule 25-4.118, Florida Administrative Code, regarding the transfer of customers' basic local service from Verizon Select Services Inc. to Verizon Florida Inc. for those customers located within Verizon Florida Inc.'s franchise area. The waiver should be limited such that Verizon Florida Inc. acquires only those customers who fail to select another local exchange company prior to Verizon Select Services Inc.'s disconnection deadline. Verizon Florida Inc. should only provide basic local service, without vertical features. The long distance service will continue to be served by Verizon Select Services Inc., but the rates will change to Verizon Select Services Inc.'s basic long distance rates.

Issue 2: Should the Commission order BellSouth Telecommunications, Inc. and Sprint-Florida Incorporated to serve Verizon Select Services Inc.'s customers that fail to select another local exchange provider before Verizon Select Services Inc. exits the local service provider industry for out-of-franchise customers?

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4**PAA	DOCKET NO. 010030-TP - Petition by Verizon Florida Inc. and Verizon Select Services Inc. for limited waiver of Rule 25-4.118, F.A.C.

(Continued from previous page)

Recommendation: No.

Issue 3: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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5\*\*

DOCKET NO. 991989-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5678 issued to InternetU, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.  
DOCKET NO. 000227-TX - Initiation of show cause proceedings against InternetU, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: M. Watts  
LEG: Stern, Keating

Issue 1: Should the Commission, on its own motion, dismiss DURO Communications, Inc.'s protest of Order No. PSC-00-0844-PAA-TX and reinstate the Order as a Final Order?

Recommendation: Yes. DURO Communications, Inc.'s protest of Order No. PSC-00-0844-PAA-TX should be dismissed, because it does not have standing to protest the Order in this proceeding.

Issue 2: If Issue 1 is approved, should the Commission cancel ALEC certificate no. 5678, issued to InternetU, Inc., in accordance with Commission Order No. PSC-00-0844-PAA-TX?

Recommendation: Yes. If Issue 1 is approved, the Commission should cancel certificate no. 5678, issued to InternetU, Inc., in accordance with Commission Order No. PSC-00-0844-PAA-TX. The Commission should refer the collection of past due fees to the office of the Comptroller for further collection efforts. The effective date of the cancellation should be May 19, 2000.



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5\*\*

DOCKET NO. 991989-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5678 issued to InternetU, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.  
DOCKET NO. 000227-TX - Initiation of show cause proceedings against InternetU, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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Issue 3: Should the Commission vacate Show Cause Order No. PSC-00-0693-SC-TX, issued April 13, 2000, in Docket No. 000227-TX, ordering InternetU, Inc. to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), F.S., Access to Company Records?

Recommendation: Yes. The Commission should vacate Order No. PSC-00-0693-SC-TX, issued April 13, 2000, for Docket No. 000227-TX, ordering InternetU, Inc. to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Issue 4: Should these dockets be closed?

Recommendation: Yes. If staff's recommendations in Issues 1 and 2 are approved, then certificate no. 5678 issued to InternetU, Inc. should be canceled in accordance with Order No. PSC-00-0844-PAA-TX, effective May 19, 2000, and Docket No. 991989-TX should be closed.

If staff's recommendation in Issue 3 is approved, then Docket No. 000227-TX should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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6\*\*                 DOCKET NO. 001257-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4731 issued to Axces, Inc. d/b/a Axces of Delaware, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff:   CMP:   Isler  
          LEG:   Cibula

Issue 1: Should the Commission accept the settlement offer proposed by Axces, Inc. d/b/a Axces of Delaware, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4731 should be canceled administratively.

Issue 2: Should this docket be closed

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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7**	DOCKET NO. 001344-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7134 issued to Adeptel, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Cibula

Issue 1: Should the Commission accept the settlement offer proposed by Adeptel, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7134 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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DOCKET NO. 001357-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7159 issued to Comtel Network LLC for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by Comtel Network LLC to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7159 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$150 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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DOCKET NO. 001467-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 6040 issued to HJN Telecom, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by HJN Telecom, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 6040 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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10\*\*

DOCKET NO. 001225-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3989 issued to Easton Telecom Services Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Elliott

Issue 1: Should the Commission accept the settlement offer proposed by Easton Telecom Services Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 3989 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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DOCKET NO. 001494-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7193 issued to King Communications & Services, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by King Communications & Services, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal to pay future regulatory assessment fees on a timely basis.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

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12\*\*PAA

DOCKET NO. 001492-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7237 issued to Florida Phone Service, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: K. Peña, B. Keating

Issue 1: Should the Commission impose a \$500 fine or cancel Florida Phone Service, Inc.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 7237 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.



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ITEM NO.

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12\*\*PAA

DOCKET NO. 001492-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7237 issued to Florida Phone Service, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

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13\*\*PAA

DOCKET NO. 001456-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 5785 issued to North American Telephone Network, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Elliott

Issue 1: Should the Commission impose a \$500 fine or cancel North American Telephone Network, L.L.C.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 5785 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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13\*\*PAA

DOCKET NO. 001456-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 5785 issued to North American Telephone Network, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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CASE

14\*\*PAA

DOCKET NO. 001458-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 6048 issued to Everett L Heard d/b/a ABC Connect for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Banks

Issue 1: Should the Commission impose a \$500 fine or cancel Everett L. Heard d/b/a ABC Connect's certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 6048 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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ITEM NO.

CASE

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14\*\*PAA

DOCKET NO. 001458-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 6048 issued to Everett L Heard d/b/a ABC Connect for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

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15\*\*

DOCKET NO. 001480-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7236 issued to Sandstream Communications & Entertainment, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: K. Pena, B. Keating

Issue 1: Should the Commission grant SandStream Communications & Entertainment, Inc. a voluntary cancellation of its Certificate No. 7236?

Recommendation: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 7236 with an effective date of December 31, 2000.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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CASE

16\*\*

DOCKET NO. 000917-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3238 issued to First Tele Communications Services, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Banks

Issue 1: Should Order No. PSC-00-1721-PAA-TC be rendered a Final Order and Docket No. 000917-TC closed?

Recommendation: Yes. The company has not submitted a Response to the Commission's Proposed Agency Action Order in compliance with Rule 28-106.201, Florida Administrative Code. Therefore, Order No. PSC-00-1721-PAA-TC should be rendered a Final Order. As stated in the Proposed Agency Action Order, if the company fails to pay in full the outstanding charges within five business days of the issuance of the Order from this recommendation, First Tele Communications Services, Inc.'s Certificate No. 3238 should be cancelled effective October 16, 2000 and in accordance with Order No. PSC-00-1721-PAA-TC. Whether or not First Tele Communications Services, Inc. pays the outstanding charges, this docket should be closed upon expiration of the five business days as no further action by the Commission is required. If First Tele Communications Services, Inc. fails to pay the outstanding charges, the unpaid amount should be forwarded to the Office of the Comptroller for further collection efforts.

DECISION: The recommendation was approved with an amendment noted by staff at the Conference, that interested person may participate.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

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17\*\*

DOCKET NO. 000876-TP - Request by BellSouth Telecommunications, Inc. for approval of amendment to existing collocation agreement with Pathnet, Inc. d/b/a Pathnet Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Logue  
LEG: Pena, Keating

Issue 1: Should the Commission reconsider its vote at the September 26, 2000, Agenda Conference approving the interconnection, unbundling, and resale amendment submitted by BellSouth and, instead, approve only the amendment to the existing collocation agreement between BellSouth Telecommunications, Inc. and Pathnet, Inc. d/b/a Pathnet Communications, Inc.?

Recommendation: Yes. The Commission should reconsider its vote and approve only the amendment to the existing collocation agreement between BellSouth Telecommunications, Inc. and Pathnet, Inc. d/b/a Pathnet Communications, Inc.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves Issue 1, this docket should be closed upon issuance of the Commission's Order.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki



<u>ITEM NO.</u>	<u>CASE</u>
18**	<p>DOCKET NO. 001682-WU - Application for staff-assisted rate case in Columbia County by Consolidated Water Works, Inc.</p> <p>Critical Date(s): None (Company waived 15-month effective date.)</p> <p>Commissioners Assigned: Full Commission Prehrg Ofifcer PL</p> <p>Staff: ECR: Rendell, Butts, Walker LEG: Cibula</p>

Issue 1: Should CWWI's request to waive all penalties and interest for delinquent payment of RAFs be approved?

Recommendation: No. CWWI's request to waive all penalties and interest for delinquent RAF payments should be denied.

Issue 2: Should the proposed payment plan for past due regulatory assessment fees for CWWI be approved?

Recommendation: Yes. The proposed payment plan should be approved as outlined in the analysis portion of staff's February 22, 2001 memorandum. The first payment should be received by March 20, 2001 and all subsequent payments should be due on the twentieth day of each month. If CWWI fails to make a monthly payment by the twentieth day of the month, this docket should be closed. Further, if this docket is closed, show cause and revocation proceedings should be initiated.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending payment of the delinquent RAFs in order to process the utility's SARC application. If CWWI does not make a payment in accordance with the payment schedule addressed in Issue 2, the docket should be closed administratively and show cause and revocation proceedings will be initiated.

DECISION: The recommendations were approved with a modification to Issue 3 that if 2000 RAFs, which are due March 31, 2001, are not timely paid, this docket will be closed and a show cause/revocation of certificate docket will be opened.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

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19\*\*PAA

DOCKET NO. 001834-EU - Joint petition for approval of amendment to territorial agreement between Clay Electric Cooperative, Inc. and City of Newberry.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: LEG: Isaac  
SER: Breman

Issue 1: Should the Commission grant the joint petition by Clay Electric Cooperative, Inc. (Clay Electric) and the City of Newberry, Florida (the City), for approval of the Amendment to their territorial agreement in ~~Clay~~ **Alachua** County?

Recommendation: Yes. The Commission should grant Clay Electric Cooperative's and City of Newberry's joint petition for approval of the amendment to their territorial agreement. The amendment avoids uneconomic duplication and is in the best interest of companies' ratepayers and the public.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved with noted correction.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
20**	<p>DOCKET NO. 001576-TI - Application for certificate to provide interexchange telecommunications service by Digital Broadband Communications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: McCoy LEG: Banks</p> <p><u>Issue 1</u>: Should the Commission vacate Order No. PSC-01-0074-PAA-TI, issued January 9, 2001, granting Digital Broadband Communications, Inc., a certificate to provide IXC services? <u>Recommendation</u>: Yes. The Commission should vacate Order No. PSC-01-0074-PAA-TI.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. This docket should be closed upon issuance of the Commission's vacating order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
21**PAA	<p>DOCKET NO. 001678-TL - Joint petition by BellSouth Telecommunications, Inc. (holder of LEC Certificate No. 8) and Sprint-Florida, Incorporated (holder of LEC Certificate No. 22) for approval to transfer territories in Orange and Seminole Counties and to amend certificates.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: Hawkins, Redemann, Rieger LEG: Banks</p> <p><u>Issue 1</u>: Should the joint petition filed by Sprint and BellSouth to modify certain exchange boundaries in Orange and Seminole counties and to amend the companies' certificates be approved? <u>Recommendation</u>: Yes. The joint petition filed by Sprint and BellSouth should be approved because it meets the requirements of Section 364.335, Florida Statutes, and Rules 25-4.005(1)(a)(b)(c) and 25-4.005(3), Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas. The territory should be added to Certificate Number 22 (Sprint) and deleted from Certificate Number 8 (BellSouth).</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

<u>ITEM NO.</u>	<u>CASE</u>
22**	<p>DOCKET NO. 001450-WU - Application for amendment of Certificate No. 427-W to extend service area in Marion County by Windstream Utilities Company.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer BZ</p> <p>Staff: RGO: Rieger, Johnson LEG: Brubaker</p> <p><u>Issue 1:</u> Should Windstream Utilities Company's application for amendment of Water Certificate No. 427-W be approved? <u>Recommendation:</u> Yes, Windstream Utilities Company's application should be granted for the additional territory described in Attachment A of staff's February 22, 2001 memorandum. Windstream should charge the customers in the territory added herein the rates and charges contained in its tariff for the Windstream-Carriage Hills system until authorized to change by this Commission in a subsequent proceeding.</p>
PAA	<p><u>Issue 2:</u> Should the Commission approve the Special Service Availability Agreement between Windstream Utilities Company and Bellwether Investments, Inc.? <u>Recommendation:</u> Yes, the Commission should approve the Special Service Availability Agreement between Windstream Utilities Company and Bellwether Investments, Inc. The agreement should become effective upon <del>the date of the Commission's vote</del> <b>issuance of the consummating order.</b></p> <p><u>Issue 3:</u> Should this docket be closed? <u>Recommendation:</u> Yes. If no protest is received to the proposed agency action issue, approved, no further action is required and the docket should be closed upon the issuance of a Consummating Order.</p> <p><u>DECISION:</u> The recommendations were approved with noted correction to Issue 2.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

ITEM NO.

CASE

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23\*\*

DOCKET NO. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer JB

Staff: SER: Bohrmann  
ECR: E. Draper  
LEG: C. Keating

Issue 1: Should the Commission approve a mid-course correction to Florida Power & Light Company's (FPL) authorized fuel and purchased power cost recovery factors to collect FPL's actual \$76.8 million under-recovery for 2000?

Recommendation: Yes. The Commission should approve FPL's petition for a mid-course correction to collect FPL's actual \$76.8 million under-recovery for 2000. This approval would mitigate the rate impact of FPL collecting this amount during 2002.

Issue 2: Should the Commission approve a mid-course correction to Florida Power & Light Company's (FPL) authorized fuel and purchased power cost recovery factors to collect FPL's projected \$431.5 million under-recovery in 2001?

Recommendation: Yes. The Commission's approval of a mid-course correction to collect FPL's projected \$431.5 million under-recovery for 2001 will avoid a more severe rate impact that will result if collection of the under-recovery is deferred until 2002. Any over-recovery that FPL collects due to the proposed fuel cost recovery factors will be refunded to FPL's ratepayers with interest.

Issue 3: If the Commission approves FPL's petition, in whole or in part, for a mid-course correction to FPL's fuel cost recovery factors, what should be the effective date of the mid-course correction?

Recommendation: If the Commission does not approve staff's recommendations in Issues 1 and 2, this issue is moot. If the Commission approves staff's recommendations in Issue 1, Issue 2, or both, the effective date should be April 2, 2001.

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23\*\*

DOCKET NO. 010001-EI - Fuel and purchased power cost  
recovery clause and generating performance incentive factor.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No.

DECISION: This item was deferred to the March 13, 2001 Commission  
Conference.

ITEM NO.

CASE

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24\*\*

DOCKET NO. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer JB

Staff: SER: Bohrmann, McNulty  
ECR: E. Draper  
LEG: C. Keating

Issue 1: Should the Commission approve a mid-course correction to Florida Power Corporation's (Florida Power) authorized fuel and purchased power cost recovery factors to collect the \$29.4 million under-recovery for 2000?

Recommendation: Yes. The Commission should approve Florida Power's amended petition for a mid-course correction to collect the \$29.4 million under-recovery for 2000. This approval would mitigate the rate impact of Florida Power collecting this amount during 2002.

Issue 2: Should the Commission approve a mid-course correction to Florida Power Corporation's (Florida Power) authorized fuel and purchased power cost recovery factors to collect its estimated \$73.0 million under-recovery in 2001?

Recommendation: Yes. The Commission should approve Florida Power's amended petition for a mid-course correction to collect its estimated \$73.0 million under-recovery during 2001. This approval would mitigate the rate impact on Florida Power's retail ratepayers of Florida Power collecting this amount during 2002. Any over-recovery that Florida Power may collect due to the proposed fuel cost recovery factors will be refunded to Florida Power's ratepayers with interest.

Issue 3: If the Commission approves Florida Power's amended petition for a mid-course correction to Florida Power's fuel cost recovery factors, what should be the effective date of the mid-course correction?

Recommendation: If the Commission does not approve staff's recommendation in Issues 1 and 2, this issue is moot. If the Commission approves staff's recommendations in Issue 1,



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<u>ITEM NO.</u>	<u>CASE</u>
24**	DOCKET NO. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.  (Continued from previous page)  Issue 2, or both, the effective date should be March 29, 2001. <u>Issue 4</u> : Should this docket be closed? <u>Recommendation</u> : No.

DECISION: The recommendations were approved.

Commissioner Deason was absent due to being called for jury duty, and thus did not participate in the decision on this item.

Commissioners participating: Jacobs, Jaber, Baez, Palecki

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CASE

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25\*\*

DOCKET NO. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer JB

Staff: SER: Bohrmann  
ECR: E. Draper  
LEG: C. Keating

Issue 1: Should the Commission approve a mid-course correction to Tampa Electric Company's (TECO) authorized fuel and purchased power cost recovery factors to collect 50 percent of its estimated \$63.2 million under-recovery for 2001?

Recommendation: Yes. The Commission should approve TECO's petition for a mid-course correction to collect 50 percent (\$31.6 million) of its estimated \$63.2 million under-recovery for 2001. This approval would avoid a more severe rate impact that will result if collection of the under-recovery is deferred until 2002. Any over-recovery that TECO collects due to the proposed fuel cost recovery factors will be refunded to TECO's ratepayers with interest.

Issue 2: If the Commission approves TECO's petition for a mid-course correction to TECO's fuel cost recovery factors, what should be the effective date of the mid-course correction?

Recommendation: If the Commission does not approve staff's recommendation in Issue 1, this issue is moot. If the Commission approves staff's recommendation in Issue 1, the effective date should be April 3, 2001.

Issue 3: Should this docket be closed?

Recommendation: No.

DECISION: The recommendations were approved.

Commissioner Deason was absent due to being called for jury duty, and thus did not participate in the decision on this item.

Commissioners participating: Jacobs, Jaber, Baez, Palecki

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25\*\*

DOCKET NO. 010001-EI - Fuel and purchased power cost  
recovery clause and generating performance incentive factor.

(Continued from previous page)

<u>ITEM NO.</u>	<u>CASE</u>
26	<p>DOCKET NO. 991220-TP - Petition by Global NAPS, Inc. for arbitration of interconnection rates, terms and conditions and related relief of proposed agreement with BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): 5/25/00, Talla., Prehrg., JC 6/7/00, Talla., JC DS JB</p> <p>Commissioners Assigned: JC DS JB Prehrg Officer JC</p> <p>Staff: CMP: Hinton, Dowds, Fullwood, King LEG: B. Keating PAI: Ollila</p> <p><u>Issue 1</u>: Should the Commission grant BellSouth's Motion for Reconsideration? <u>Recommendation</u>: No. BellSouth has failed to identify a mistake of fact or law made by the Commission in rendering its decision in this case.</p> <p><u>Issue 2</u>: Should the Commission grant GNAPS' Motion for Reconsideration and/or Clarification? <u>Recommendation</u>: No. GNAPS has failed to identify a mistake of fact or law made by the Commission in rendering its decision in this case. Furthermore, the Commission should not grant the requested clarification.</p> <p><u>Issue 3</u>: Should this Docket be closed? <u>Recommendation</u>: No. If the Commission approves staff's recommendations in Issues 1 and 2, the parties should be required to file their final interconnection agreement conforming with the Commission's arbitration decision within 30 days of the issuance of the Order from this recommendation, in accordance with the Order Granting Joint Motion for Extension of Time, Order No. PSC-00-2343-FOF-TP. Thereafter, this Docket should remain open pending approval by the Commission of the filed agreement.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber

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26

DOCKET NO. 991220-TP - Petition by Global NAPS, Inc. for arbitration of interconnection rates, terms and conditions and related relief of proposed agreement with BellSouth Telecommunications, Inc.

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27\*\*

DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990456-TL - Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code.

Critical Date(s): 4/6/01 (90-day time frame granted by the Florida Supreme Court to attempt to resolve the appeal of Order No. PSC-00-1937-PAA-TL)

Hearing Date(s): Available upon request

Commissioners Assigned: JC DS BZ  
Prehrg Officer DS

Staff: CMP: Casey, Bulecza-Banks  
LEG: Vaccaro

Issue 1: Should the Joint Parties' Offer of Settlement, as amended, be approved by the Commission?

Recommendation: Yes, the Joint Parties' Offer of Settlement, as amended, should be approved. In approving the settlement, the Commission, on its own motion, should:

- (a) reconsider its decision to reduce the rationing of NXX codes in the 561, 954, and 904 NPAs, and adopt the industry consensus plan in effect prior to the Commission Order;
- (b) reconsider its decision to require all non-pooling carriers in the 305, 561, 786, 904, and 954 area codes to achieve a 75 percent utilization rate within an NXX before requesting the assignment of a new NXX in the same rate center, and adopt the new standards set forth in FCC 00-429 establishing initial utilization rates of 60 percent with five percent step increases to a maximum of 75 percent for pooling and non-pooling carriers;
- (c) reconsider its decision regarding number pooling implementation dates, and establish new number pooling trial implementation dates of July 16, 2001 for the Daytona Beach

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27\*\*

DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990456-TL - Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code.

(Continued from previous page)

MSA, and September 17, 2001 for the Ft. Pierce-St. Lucie MSA;

(d) reconsider its decision assigning new aging guidelines and adopt the aging number guidelines set forth in FCC 00-104;

(e) reconsider its decision to limit the ability of code holders to assign administrative numbers to multiple 1,000 blocks and vacate the restrictions on administrative numbers in Order No. PSC-00-1937-PAA-TL.

Furthermore, the Commission should adopt the Joint Petitioners' offer to initiate number pooling in the Keys area with a mandatory starting date of May 28, 2001, in lieu of requiring code sharing.

Issue 2: If the Commission denies Issue No. 1, should the Commission vacate the portions of Order No. PSC-00-1937-PAA-TL related to code rationing and aging of numbers addressed in Issue No. 1?

Recommendation: Yes. If the Commission denies staff on Issue No. 1, staff recommends that the code rationing and aging of numbers portions of PSC-00-1937-PAA-TL be vacated.

Issue 3: Should these dockets be closed?

Recommendation: No. Staff recommends that these dockets remain open to address implementation dates for the 305/786, 561, and 954 NPAs, and issue a final Order concerning the Osteen area balloting results.

DECISION: The recommendations were approved.

Commissioner Baez voted on Proposed Agency Action issues only.

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DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990456-TL - Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code.

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Commissioners participating: Jacobs, Deason, Baez



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DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

Critical Date(s): 4/2/01 (90-day time frame granted by the Florida Supreme Court to attempt to resolve the appeal of Order No. PSC-00-1937-PAA-TL)

Hearing Date(s): Available upon request

Commissioners Assigned: JC DS BZ  
Prehrg Officer DS

Staff: CMP: Casey, Bulecza-Banks  
LEG: Vaccaro

Issue 1: Should the Commission vacate the portion of Order No. PSC-00-1937-PAA-TL which requires rate center consolidation (RCC) in the Miami-Dade 305/786 area?

Recommendation: Yes, the Commission should vacate the portion of Order No. PSC-00-1937-PAA-TL which requires RCC in the Miami-Dade 305/786 area.

Issue 2: Should this docket be closed?

Recommendation: No. Staff recommends that this docket remain open until a final order has been issued in this docket.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Baez

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DOCKET NO. 000636-TP - Request for arbitration concerning complaint of Sprint Communications Company Limited Partnership against BellSouth Telecommunications, Inc. regarding failure to comply with interconnection agreement.

Critical Date(s): None

Commissioners Assigned: JC JB BZ  
Prehrg Officer JB

Staff: LEG: Vaccaro  
CMP: T. Watts

Issue 1: Should the Commission acknowledge Sprint Communications Company Limited Partnership's Notice of Voluntary Dismissal of its complaint against BellSouth Telecommunications, Inc.?

Recommendation: Yes. The Commission should acknowledge Sprint Communications Company Limited Partnership's Notice of Voluntary Dismissal of its complaint against BellSouth Telecommunications, Inc.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

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DOCKET NO. 970991-SU - Investigation into rates and charges of Florida Cities Water Company - Lee County Division (South Ft. Myers Wastewater System) for potential overearnings.

Critical Date(s): None

Commissioners Assigned: DS BZ PL  
Prehrg Officer PL

Staff: ECR: Merchant  
LEG: Jaeger

Issue 1: Should this docket be closed?

Recommendation: Yes. The only action remaining to be done in this docket was to have Florida Cities Water Company credit any remaining overearnings as of December 31, 2000 to contributions-in-aid-of-construction (CIAC). However, with the sale of the utility to Florida Governmental Utility Authority, an exempt entity, this action has no meaning and the requirement is moot. As such, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Baez, Palecki

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31	<p>DOCKET NO. 000907-TP - Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): 11/8/00, Talla., Prehrg., JB 12/6/00, Talla., JB BZ</p> <p>Commissioners Assigned: JB BZ Prehrg Officer JB</p> <p>Staff: CMP: Hinton, Bloom LEG: Banks</p> <p><u>Legal Issue A</u>: What is the Commission's jurisdiction in this matter?</p> <p><u>Recommendation</u>: Staff believes that the Commission has jurisdiction pursuant to Section 252 of the Federal Telecommunications Act of 1996 (Act), which sets forth the procedures for negotiation, arbitration, and approval of agreements. Section 252(b)(4)(C) states that the state commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on which the local exchange carrier received the request under this section. In this case, however, the parties have explicitly waived the nine-month requirement set forth in the Act. Furthermore, pursuant to Section 364.01, Florida Statutes, the Commission has authority to exercise its independent state law authority so long as those requirements are not inconsistent with those imposed by the Act. Staff notes that, pursuant to Section 252(e)(5) of the Act, if a state commission refuses to act, then the FCC shall issue an order preempting the Commission's jurisdiction in the matter, and shall assume jurisdiction of the proceeding.</p> <p><u>Issue 1</u>: How should the parties designate the Interconnection Points (IPs) for their networks?</p> <p><u>Recommendation</u>: The FCC's orders, rules, and decisions vest in competitive local exchange companies the right to</p>

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DOCKET NO. 000907-TP - Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.

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designate interconnection points (IPs) for the mutual exchange of traffic.

Issue 2: Under what circumstances is Level 3 entitled to symmetrical compensation for leased facility interconnection?

Recommendation: Staff recommends that Level 3 should be entitled to symmetrical compensation for each element of leased facility interconnection that Level 3 actually provides. Staff believes the evidence in the record shows that Level 3 does not provide Dedicated Interoffice Transport. Therefore, staff believes Level 3 should not be entitled to charge BellSouth for this element of leased facility interconnection.

Issue 3: For the purposes of the interconnection agreement between Level 3 and BellSouth, should each carrier be required to pay for the use of interconnection trunks on the other carrier's network? If so, what rates should apply?

Recommendation: No. The evidence presented in this proceeding does not support a determination that the parties should compensate each other for the use of interconnection trunks on the other carrier's network.

Issue 6: For purposes of the interconnection agreement between Level 3 and BellSouth, should ISP-bound traffic be treated as local traffic for the purposes of reciprocal compensation, or should it be otherwise compensated?

Recommendation: Both parties submitted a written stipulation, whereby they would agree to defer the resolution of this issue to the generic docket on reciprocal compensation, Docket No. 000075-TP. Staff supports the stipulation.

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DOCKET NO. 000907-TP - Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.

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Issue 7A: Should BellSouth be permitted to define its obligation to pay reciprocal compensation to Level 3 based upon the physical location of Level 3's customers?

Issue 7B: Is BellSouth entitled to charge originating access on all calls to a particular Level 3 NPA/NXX when one or more numbers out of that NPA/NXX are assigned outside the boundaries of the BellSouth rate center or local calling area to which they are traditionally assigned?

Recommendation: Both parties submitted a written stipulation, whereby they would agree to defer the resolution of Issue 7A and 7B to the generic docket on reciprocal compensation, Docket No. 000075-TP. Staff supports the stipulation.

Issue 9: Should this docket be closed?

Recommendation: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Baez

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